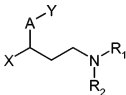


Remarks

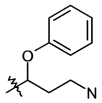
The claims have been amended in response to the Office Action. Claims 2, 3, 11, 13, 19, 31 and 32 have been cancelled. Claims 1, 6-8, 15 and 21 have been amended. Claim 33 has been newly added. Claim 1 has been amended in an effort to comply with the restriction requirement. Claims 6 and 7 have been amended to in an effort to comply with the restriction requirement and to change their dependency in view of the cancellation of claims 2 and 3. Claims 8, 15, and 21 have been amended to change their dependency in view of cancellation of other claims. New claim 33 has been added to claim an aspect of the invention with more particularity. Applicants assert that new claim 33 raises no issue of new matter. Basis for new claim 33 may be found on page 9 at line 24 of the specification as originally filed. Entry of the amendments and allowance of the claims in view of the amendments and following discussion are respectfully requested.

The genus claimed in Claim 1 as originally presented was drawn to compounds of the following formula:



where variable A is O or S; variable Y is substituted phenyl or substituted naphthyl, and variable X was selected from optionally substituted alkyl, alkenyl, or cycloalkylalkyl. The Examiner restricted this subject matter under 35 U.S.C. §§ 121 and 372 into 10 groups based on variables A, X, and Y. Although Applicants assert that this restriction requirement is improper, the scope of the claims has been amended in an effort to comply with the restriction requirement. The claims, as amended, most closely comport with the invention of Group II which is drawn to compounds of Formula I where A is oxygen, Y is phenyl, and X is alkyl. The claims now differ in that the phenyl moiety of variable Y and alkyl of variable X may be substituted. Applicants assert that the invention, as claimed, fully meets the requirements of unity of invention.

Claim 1 is now drawn to compounds with the following core:



All of the compounds within the scope of Claim 1, as amended, are taught to be inhibitors of both serotonin and norepinephrine reuptake and share the same phenoxypropylamine core. The remaining variables constitute only a small portion of the molecule. Because all members now share a common activity, and an even larger common core, Applicants assert that Claim 1, as

amended, fully meets the requirements of unity of invention. Applicants further elect the compound of EXAMPLE 30 solely for the purpose of Examination. This compound is encompassed by Claims 1, 6, 8, 15 and 33.

Applicants respectfully request that the Examiner enter the amendment to the claims and examine the claims, as amended, in their entirety. If the Examiner finds that even the amended claims lack unity of invention, then Applicants respectfully request that the Examiner fully examine the Markush claims with respect to the elected species and group the species to allow Applicants the opportunity to amend the claims in view of said group.

Respectfully submitted,

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